

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BENJAMIN A. RICE-ERSON,
Plaintiff,
v.
MICHAEL J. ASTRUE,
Commissioner of Social
Security,
Defendant.

No. CV-08-0246-CI

ORDER GRANTING STIPULATED
MOTION TO REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C.
405(g)

BEFORE THE COURT is the parties' Stipulated Motion to Remand the above-captioned matter to the Commissioner for additional administrative proceedings. (Ct. Rec. 18.) The parties have consented to proceed before a magistrate judge. (Ct. Rec. 8.) After considering the stipulation of the parties,

IT IS ORDERED:

1. The parties' Stipulated Motion to Remand (**Ct. Rec. 18**) is **GRANTED**. The above-captioned case shall be **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the administrative law judge (ALJ) will conduct a *de novo* hearing, re-evaluate the medical opinions of record, including the opinions of Dr. Zwartz and Dr. Orvald; reconsider the severity of

1 Plaintiff's impairments, including sleep apnea, obesity, and ability
2 to walk without crutches; reassess Plaintiff's RFC; and as
3 necessary, obtain medical expert and vocational expert testimony.

4 2. Judgment shall be entered for the **PLAINTIFF**.

5 3. An application for attorney fees may be filed by separate
6 motion.

7 4. Plaintiff's Motion for Summary Judgment (**Ct. Rec. 13**) is
8 **STRICKEN as moot**.

9 The District Court Executive is directed to enter this Order,
10 forward copies to counsel, and thereafter shall close this file.

11 DATED April 30, 2009.

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13 S/ CYNTHIA IMBROGNO
14 UNITED STATES MAGISTRATE JUDGE
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